

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 15-16, 18, 20-23, 25, 27-32, 38-51, 56, 57, 59 and 64-72 are pending in this application. Claims 15 and 22, 29, 31, 46, 66 and 68 are amended; Claims 71-72 are added; and Claims 17 and 24 are canceled without prejudice or disclaimer by the present amendment. Support for the new and amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 15, 16, 18, 20-23, 25, 27, 28, 30, 32, 38, 39, 41, 44, 46, 47, 49, 51, 56, 59 and 64-70 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen et al. (U.S. Pat. 5,303,393, herein Noreen) in view of Hara (U.S. Pat. 5,832,223); Claims 17, 24, 29 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen and Hara in view of Park (U.S. Pat. 5,627,549); Claims 42 and 45 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen and Hara in view of Boys (U.S. Pat. 6,314,094); and Claims 40, 43, 48, 50 and 57 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen and Hara in view of Lyons (U.S. Patent No. 6,282,412).

The undersigned appreciatively acknowledges the courtesy extended by Examiner Perez by holding a personal interview with the undersigned on January 16, 2008. During the interview, an overview of the invention was presented, and proposed amendments to the claims were discussed. Specifically, as indicated in the Interview Summary, Examiner Perez recommended incorporating the subject matter of dependent Claim 17 into independent Claim 15. Accordingly, independent Claim 15, as well as independent Claims 22, are amended to incorporate the subject matter of dependent Claims 17 and 24, respectively. Further, new independent Claims 71 and 72 recite features similar to those recited in Claim

¹ E.g., specification, p. 6, ll. 14-18, and canceled Claims 17 and 24.

17. A follow up call with Supervisory Patent Examiner Trost confirmed that the independent claims would likely be in condition for allowance, if amended to incorporate the subject matter of Claim 15.

Claims 15, 16, 18, 20-23, 25, 27, 28, 30, 32, 38, 39, 41, 44, 46, 47, 49, 51, 56, 59 and 64-70 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen in view of Hara. In response to this rejection, Applicant respectfully submits that amended independent Claims 15 and 22, as well as new independent Claims 71 and 72, recite novel features clearly not taught or rendered obvious by the applied references.

Amended Claim 15 relates to a mobile device for receiving and processing program-accompanying digital data which are transmitted by a radio transmitter, and which contain location parameters. Specifically, independent Claim 15 recites a mobile device, comprising:

a receiver configured to ***receive programs and program-accompanying digital data***, wherein the programs include at least one of audio data and video data, and ***the program-accompanying digital data includes geographical location parameters***;
a position locating module configured to determine a current geographic position of the mobile device;
a filter module configured to ***filter location-specific information from the program-accompanying digital data based at least on the geographical location parameters and the current geographic position of the mobile device***;
a communications module configured to ***transmit the location-specific information from the mobile device to a service center***; and
a memory module configured to store a user profile, wherein ***the filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user profile***.

Independent Claims 22, 71 and 72 while directed to an alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 15, 22, 71 and 72.

The applied primary reference, Noreen, describes a mobile terminal with a broadcast receiver, a controller 223 and a data transmitter 211.² As described at col. 13, ll. 23-33, the controller processes identification information from a program signal received by the broadcast receiver. A user can then place an order by inputting to the mobile terminal a user-input signal, and the controller generates a user data signal from the user-input signal and the identification information.³ The user data signal is then transmitted by the data transmitter and relayed through a satellite to a processing center.

Noreen, however, fails to teach or suggest various features recited in independent Claim 15.

As noted above, independent Claim 15 recites that the mobile device includes “a receiver configured to receive programs and program-accompanying digital data, wherein... ***the program-accompanying digital data includes geographical location parameters.***”

In addressing the above noted claimed features, the Office Action relies on col. 13, ll. 44-62 of Noreen, noting that “the accompanying advertisements include an identification for sending a request via the mobile device; hence, a location parameter where an order can be sent or submitted to; i.e., a location.” Thus, the Office Action interpreted the “location parameters” as a destination to which an order request could be transmitted, and not ***geographical location parameters***, as recited in the amended claims. Moreover, Noreen fails to teach or suggest that the mobile device in his system receives programs and program-accompanying digital data, wherein... ***the program-accompanying digital data includes geographical location parameters***, as claimed.

Independent Claim 15 further recites that the mobile station “***filters location-specific information from the program-accompanying digital data based at least on the***

² Noreen, Fig. 2.

³ Id., col. 13, lines 43-62.

geographical location parameters and the current geographic position of the mobile device.” This feature was discussed in detail during the interview, and is described in an exemplary embodiment at pp. 6-7 of the specification.

In rejecting this feature, the Office Action relies on col. 13, ll. 15-40 and 63-67 of Noreen, noting that “the processor within the mobile transmitter extracts the signal information related to, i.e., an advertisement, data of interest to the user.” Thus, as noted in the Office Action, the cited portion of Noreen merely describes receiving a broadcast signal and extracting the content of that signal (e.g., advertisement, program information, etc.), and does not describe a filtering function, whatsoever, much less a filtering function based on ***geographic*** parameters.

More specifically, independent Claim 15 recites that the mobile station ***filters location-specific information*** (e.g., location specification content, for example) from the program-accompanying digital data ***based at least on the geographical location parameters and the current geographic position of the mobile device.*** Thus, the filter compares the geographical parameters corresponding to the program accompanying digital data, with the current geographical position of the mobile phone and filters content on this basis.

Noreen, in contrast, merely describes a process for receiving a broadcast signal and extracting the data in that signal, and fails to teach or suggest that geographical position data is associated with the data whatsoever, much less that the data is filtered on this basis, as claimed.

Independent Claim 15 further recites that the mobile station includes “a communications module configured to ***transmit the location-specific information*** from the mobile device to a service center.

The Office Action admits that Noreen fails to teach or suggest this claimed feature. In an attempt to remedy this deficiency, the Office Action relies on Hara and asserts that it

would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited reference to arrive at Applicant's claims. Applicant respectfully traverses this rejection, as Hara fails to teach or suggest the claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

Hara describes a system for facilitating automatic capture of internet access information in a broadcast signal for use by an internet access unit. More specifically, the portions of Hara cited in the Office Action merely describe using a URL extracted from a broadcast signal to access the internet.

Claim 15 in contrast describes that the *location-specific information* is filtered based on *geographic* parameters related to both the data itself, as well as the location of the mobile device. Thus, the claimed *location-specific information*, is clearly geographic-location specific information and not just a URL, as described in Hara.

Claim 15 is further amended to incorporate the features of dependent Claim 17 and recites that the mobile station also includes "a memory module configured to store a user profile, wherein *the filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user profile.*"

The Office Action admits that the combination of Noreen and Hara fail to teach the above noted claimed feature, instead relying on Park. More particularly, the Office Action relies on col. 4, ll. 35-57, col. 6, ll. 41-67 and col. 7, ll. 1-11 of Park in rejecting the above noted claimed features.

As noted above, the combination of Noreen and Hara fail to teach or suggest the features directed to the *filter module*. Moreover, the cited portions of Park merely describe the use of a database to store a collection of data records obtained from a data broadcast, and fail to teach or suggest "a memory module configured to store a user profile, wherein *the*

filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user profile.”

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of independent Claims 15 and 22 (and the claims that depend therefrom) under 35 U.S.C. § 103 be withdrawn.

Further, new independent Claims 71 and 72 recite features similar to those recited in amended independent Claims 15 and 22, respectively, but are amended to remove the features directed to transmitting the location specific information to a service center.

Nonetheless, Applicant respectfully submits that new independent Claims 71 and 72 patentably define over the applied references for at least the reasons discussed above.

Regarding the outstanding rejections of Claims 29, 31, 40, 42, 43, 45, 48, 50, 57 under 35 U.S.C. § 103(a) as unpatentable over Noreen and Hara in view of a secondary reference. Applicant respectfully traverses these rejections.

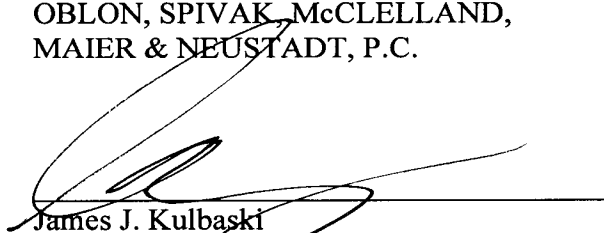
As discussed above, Noreen and Hara fail to teach or suggest the above differentiated features recited in independent Claims 15 and 22. Likewise, none of Park, Boys, or Lyons remedy these deficiencies, and therefore, none of the cited references, either alone or in combination, teach or suggest Applicant's Claims 17, 24, 29, 31, 40, 42, 43, 45, 48, 50, 57, which include the above distinguished features by virtue of dependency.

Accordingly, Applicant respectfully requests that the rejection of Claims 29, 31, 40, 42, 43, 45, 48, 50, 57 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 15, 16, 18, 20-23, 25, 27-32, 38-51, 56, 57, 59 and 64-72, is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested

Respectfully submitted,

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